



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2464

DATE SCANNED 8/8/11

SCANNER NO. 2

SCAN OPERATOR ESS

11092661247



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 MAR 31 A 10:27

March 30, 2011

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Acting Staff Director

FROM: Patricia Carmona *PC*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2010 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2010 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2011.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days but no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that all other political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2010 YEAR-END Not Election Sensitive 01/31/2011 H\_S\_P\_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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11092661250

3/30/2011 4:47 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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[illegible]

11092661252

3/30/2011 4:47 PM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
-----	--------------	----------------	----------------	-----------	-----------	----	--------------	-----------	-----	-------------

2464	C00475772	THE COMMITTEE TO ELECT DINO LAVERGHETTA	LAVERGHETTA, DINO	ROSE LAVERGHETTA	\$205,205	0		Not Filed	\$34,201 (est)	\$990
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**BEFORE THE FEDERAL ELECTION COMMISSION**

**In the Matter of** )

Reason To Believe Recommendation - 2010 )

**Year-End Report for the Administrative**

**Fine Program:**

11092661254

[illegible]

11092661255

[illegible]

11092661256

[illegible]

THE COMMITTEE TO ELECT DINO ) AF# 2464  
LAVERGHETTA, and LAVERGHETTA, )  
ROSE as treasurer; )

**Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011**

**Page 5**


**CERTIFICATION**

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 01, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 30, 2011, on the following committees:


11092661257

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 6

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11092661258

**Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011**

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11092661259

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 8

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11092661260


11092661261

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[illegible]

11092661263

[illegible]

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 12


11092661264

11092661265

[illegible]

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AF#2464 Decided by a vote of 6-0 to: (1) find reason to believe that THE COMMITTEE TO ELECT DINO LAVERGHETTA, and LAVERGHETTA, ROSE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bamerly, Hunter, McGahn II, Peterson, Walther, and Weintraub voted affirmatively for the decision.


11092661267

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 16

Attest:

April 4, 2011  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary

11092661268



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 4, 2011

Rose Laverghetta, in official capacity as Treasurer  
The Committee to Elect Dino Laverghetta  
P.O. Box 20504, 884 Second Avenue  
New York, NY 10017

C00475772  
AF#: 2464

Dear Ms. Laverghetta:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, was due no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that The Committee to Elect Dino Laverghetta and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedule of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$34,201  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(o).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that The Committee to Elect Dino Laverghetta and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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### 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: The Committee to Elect Dino Laverghetta

FEC ID#: C00475772

AF#: 2464

PAYMENT DUE DATE: May 11, 2011

PAYMENT AMOUNT DUE: \$990

11092661272

**FEC OFFICE OF  
ADMIN REVIEW**

**2011 MAY 12 P 12:03**

May 9, 2011

FEC Office of Administrative Review  
999 E Street, NW  
Washington, D.C. 20463

**Committee ID#: C00475772**

**AF# 2464**

Dear Sir or Madam:

I am writing to contest the RTB finding in the above-referenced matter. In a letter dated April 4, 2011, Cynthia L. Bauerly indicated that the FEC had found that the Committee to Elect Dino LaVerghetta (the "Committee") had failed to timely file its 2010 year end report. However, as described below, the Committee did use its best efforts to file that report. In fact, a year end report was filed and accepted by the FEC; however, due to a typographical error that was not discovered until the receipt of Ms. Bauerly's letter, the dates set forth in that filing were incorrect. This typographical error caused the FEC to conclude that a year end report had not been filed.

The Committee did file its year end report with the FEC. The year end report was assigned a Filing ID of: FEC:715934. The confirmation email received from the FEC upon uploading this filing is attached as **Exhibit A**. The Committee had intended this report to cover the period from 11/23/2010 through 12/31/2010. Indeed, the transactions set forth in the filed report were an accurate reflection of the transactions that occurred during that time period. However, due to a typographical error, the report was submitted as a year end report for 2011, instead of 2010, covering the period from 01/01/2011 through 12/31/2011. Clearly, the Committee had intended to submit the report as its 2010 report and the dating error was wholly unintentional.

Until the receipt of Ms. Bauerly's letter, the Committee believed, in good faith, that it had properly filed its 2010 year end report. Upon the receipt of Ms. Bauerly's letter informing the Committee of the FEC's conclusion that a 2010 year end report had not been filed, we conducted an investigation and discovered the typographical error. After resolving some technical difficulties in uploading a new report reflecting the proper dates, a new 2010 year end report was filed and uploaded to the FEC. The year end report was assigned a Filing ID of: FEC-727497. The confirmation email received from the FEC upon uploading this filing is attached as **Exhibit B**. This report reflects the exact same information contained in the previously filed report, except that the dates covered by the report were corrected.

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In sum, the Committee used its best efforts to file its 2010 year end report and did in fact file a report containing the correct transactional information for the relevant period. It was only because of a typographical error that the FEC concluded that a report had not been filed for 2010. As soon as the error was discovered, it was corrected. Under such circumstances, the imposition of a civil money penalty would not be proper.

Thank you very much for your time and consideration.

Respectfully yours,

  
Rose LaVerghetta

Enclosures

11092661274

# EXHIBIT A

11092661275

> To: dinolaverghetta@hotmail.com  
 > Subject: FEC Electronic Filing Results  
 > Date: Mon, 28 Feb 2011 01:40:08 -0500  
 > From: http\_db@sdrdc.com  
 >  
 >  
 > DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement  
 >  
 > This is to acknowledge the receipt and acceptance of your electronic  
 > filing via the DISCLOSE protocol.  
 >  
 > Your filing was received and accepted by our system at 02/28/2011 - 01:52:26,  
 > and was assigned the Filing ID of: FEC-715934  
 >  
 > Please make a note of this, as it will be necessary to refer to this  
 > information in the future.  
 >  
 > Thank you for using DISCLOSE.  
 >  
 > Do not reply to this notice. It is sent from an unattended account  
 > that cannot receive email.  
 >  
 > For your reference, the output of the validation check was as follows:  
 >  
 > FEC File Validator Version 6.4.1.2  
 >  
 > Developed for the Federal Election Commission  
 > by NIC Technologies, 1996-2009  
 > Portions Copyright (C) Micro Focus, 1984-1997  
 >  
 >  
 > === Identification Section  
 =====  
 >  
 > Committee ID: C00475772  
 > Committee Name: THE COMMITTEE TO ELECT DINO LAVERGHETTA  
 > Filing Type: F3N  
 > From/Through: 20110101 - 20111231  
 >  
 > Software/Ver#: FECfile / Ver# 6.4.2.1(f26)  
 >  
 >  
 > === Results Section  
 =====  
 =  
 >  
 > >>>----> FEC data file PASSED validation! <----<<<  
 >  
 >

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> === Summary Page Totals Section

=====

>

> Cover/Summary Page Totals for Form: F3

>

> Line No. Column A Column B

> =====

> 6A 0.00 71,556.27

> 6B 0.00 17,311.00

> 6C 0.00 54,245.27

> 7A 0.00 72,369.48

> 7B 0.00 0.00

> 7C 0.00 72,369.48

> 8 2,162.79

> 9 0.00

> 10 20,887.00

> 11Ai 0.00

> 11Aii 0.00

> 11Aiii 0.00 57,760.84

> 11B 0.00 0.00

> 11C 0.00 500.00

> 11D 0.00 13,295.43

> 11E 0.00 71,556.27

> 12 0.00 0.00

> 13A 0.00 30,887.00

> 13B 0.00 0.00

> 13C 0.00 30,887.00

> 14 0.00 0.00

> 15 0.00 0.00

> 16 0.00 102,443.27

> 17 0.00 72,369.48

> 18 0.00 0.00

> 19A 0.00 10,000.00

> 19B 0.00 0.00

> 19C 0.00 10,000.00

> 20A 0.00 17,311.00

> 20B 0.00 0.00

> 20C 0.00 0.00

> 20D 0.00 17,311.00

> 21 0.00 600.00

> 22 0.00 100,280.48

> 23 2,162.79

> 24 0.00

> 25 2,162.79

> 26 0.00

> 27 2,162.79

> MD5 checksum:

> d434472987d63f7df07a522e7cdf0133

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11092661278

## EXHIBIT B

11092661279

To: dinolaverghetta@hotmail.com  
> Subject: FEC Electronic Filing Results  
> Date: Fri, 6 May 2011 01:47:17 -0400  
> From: http\_db@sdrdc.com  
>  
>  
> DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement  
>  
> This is to acknowledge the receipt and acceptance of your electronic  
> filing via the DISCLOSE protocol.  
>  
> Your filing was received and accepted by our system at 05/06/2011 - 01:47:13,  
> and was assigned the Filing ID of: FEC-727497  
>  
> Please make a note of this, as it will be necessary to refer to this  
> information in the future.  
>  
> Thank you for using DISCLOSE.  
>  
> Do not reply to this notice. It is sent from an unattended account  
> that cannot receive email.  
>  
> For your reference, the output of the validation check was as follows:  
>  
> FEC File Validator Version 7.0.1.1  
>  
> Developed for the Federal Election Commission  
> by NIC Technologies, LLC. Copyright 2011 All rights reserved  
>  
>  
> === Identification Section  
=====

>  
> Committee ID: C00475772  
> Committee Name: THE COMMITTEE TO ELECT DINO LAVERGHETTA  
> Filing Type: F3N  
> From/Through: 20101123 - 20101231  
>  
> Software/Ver#: FECfile / Ver# 7.0.1.0(f26)  
>  
>

11092661280

> === Results Section

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>

> >>>----> FEC data file passed validation. <----<<<

>

> === Summary Page Totals Section

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>

> Cover/Summary Page Totals for Form: F3

>

> Line No. Column A Column B

> =====

> 6A 0.00 71,556.27

> 6B 0.00 17,311.00

> 6C 0.00 54,245.27

> 7A 0.00 72,369.48

> 7B 0.00 0.00

> 7C 0.00 72,369.48

> 8 2,162.79

> 9 0.00

> 10 20,887.00

> 11A 0.00

> 11Aii 0.00

> 11Aiii 0.00 57,760.84

> 11B 0.00 0.00

> 11C 0.00 500.00

> 11D 0.00 13,295.43

> 11E 0.00 71,556.27

> 12 0.00 0.00

> 13A 0.00 30,887.00

> 13B 0.00 0.00

> 13C 0.00 30,887.00

> 14 0.00 0.00

> 15 0.00 0.00

> 16 0.00 102,443.27

> 17 0.00 72,369.48

> 18 0.00 0.00

> 19A 0.00 10,000.00

> 19B 0.00 0.00

> 19C 0.00 10,000.00

> 20A 0.00 17,311.00

> 20B 0.00 0.00

> 20C 0.00 0.00

> 20D 0.00 17,311.00

> 21 0.00 600.00

> 22 0.00 100,280.48

> 23 2,162.79

> 24 0.00

> 25 2,162.79  
> 26 0.00  
> 27 2,162.79  
> MD5 checksum:  
> 97a78363eede835332291bc3a03dc944

11092661281



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

May 12, 2011

Rose LaVerghetta, in her official capacity as Treasurer  
The Committee to Elect Dino LaVerghetta  
P.O. Box 20504  
884 Second Avenue  
New York, NY 10017

C00475772  
AF# 2464

Dear Ms. LaVerghetta:

On May 12, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

11092661282

**FEC OFFICE OF  
ADMIN REVIEW**

**2011 MAY 16 A 7 20**

**Date: May 12, 2011**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2464**

**Committee Name: The Committee to Elect Dino Laverghetta**

**Committee ID#: C00474700**

**Committee Address (if different than in RTB letter): 420 E 64<sup>th</sup> St  
New York, NY 10065**

**Treasurer Name (if different than in RTB finding): N**

**Attachments:**

**Copy of RTB Circulation Report, dated March 30, 2011 and RTB Certification,  
dated April 4, 2011 (Y/N): N**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Telecoms and Visitcoms in Response to RTB Letter (Y/N): Y**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 Year End Report Prior Notice, dated December 27, 2010.**

**-Non-Filer Letter, dated February 16, 2011.**

**-RTB Letter, dated April 4, 2011.**

**Attachment #: 3**

**Other RAD Information: (Y/N): Y**

**Attachment #: 4**

11092661283



## Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

**Tracking Number:** 1Z WF5 860 A2 9884 496 0  
**Reference Number(s):** RAD  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 04/08/2011  
**Delivered On:** 04/11/2011 9:24 A.M.  
**Delivered To:** LAV  
420 E 64TH ST  
NEW YORK, NY, US 10065

**Signed By:** SBLANCO  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
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UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS  
UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS

**Location:** RESIDENTIAL

Thank you for giving us this opportunity to serve you.

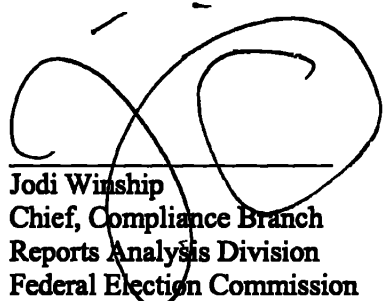
Sincerely,  
UPS

Tracking results provided by UPS: 04/12/2011 11:03 A.M. ET

Attachment 1

## DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to The Committee to Elect Dino Laverghetta:
  - A) Prior Notice, dated December 27, 2010, referencing the 2010 Year End Report  
(sent via electronic mail to: [CONTACT@DINOFORCONGRESS.COM](mailto:CONTACT@DINOFORCONGRESS.COM);
  - B) Non-Filer Letter, dated February 16, 2011, referencing the 2010 Year End Report;
  - C) Reason-to-Believe Letter, dated April 4, 2011, referencing the 2010 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that The Committee to Elect Dino Laverghetta filed the 2010 Year End Report with the Commission on May 6, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 12<sup>th</sup> day of May, 2011.



Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



YEAR-END

# REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2010

## CURRENT REPORT DUE

### I. 2010 GENERAL ELECTION CANDIDATES

REPORT	REPORTING PERIOD	REPORT & DISCLOSURE DEADLINE	FILING DEADLINE
Year-End	11/23/10 - 12/31/10	01/31/11	01/31/11

### II. UNSUCCESSFUL 2010 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2010 ELECTIONS

REPORT	REPORTING PERIOD	REPORT & DISCLOSURE DEADLINE	FILING DEADLINE
Year-End	10/01/10 - 12/31/10	01/31/11	01/31/11

### NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2010 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2011 Reporting Schedule](#)

<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

## REPORTING SCHEDULE FOR 2011

REPORT	CLOSE OF BOOKS	REPORTING PERIOD END DATE	REPORTING DEADLINE
April Quarterly	03/31/11	04/15/11	04/15/11
July Quarterly	06/30/11	07/15/11	07/15/11
October Quarterly	09/30/11	10/15/11	10/15/11 <sup>2</sup>
Year-End	12/31/11	01/31/12	01/31/12

**[Click here for Supplemental Filing Information](#)**

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<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2011. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

## 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 16, 2011

RQ-7

LAVERGHETTA, ROSE, TREASURER  
THE COMMITTEE TO ELECT DINO LAVERGHETTA  
PO BOX 30504 884 GRAND AVENUE  
NEW YORK, NY 10017

IDENTIFICATION NUMBER: C00475772

REFERENCE: YEAR-END REPORT 11/23/2010 - 12/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT THE WASHINGTON AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

*Debbie Chacona*

DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

11092661290  
11030573824



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 JUN 23 P 12:25

**SENSITIVE**

June 28, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Acting Staff Director *AP*

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2464 – The Committee to Elect  
Dino LaVerghetta and Rosa LaVerghetta, in her official capacity as  
Treasurer (C00475772)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092661291



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 28, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2464 – The Committee to Elect Diao LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer (C00475772)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess no civil money penalty.

**Reason-to-Believe Background**

On April 1, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report and made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2011 to notify them of the Commission's RTB finding and civil money penalty. The letter was undeliverable at the address of record, therefore on April 7 a copy of the letter was sent to an alternate address provided by the Candidate. The letter was later returned indicating that the receiver had moved. The letter was mailed a third time on April 8 to an alternate address, and successfully delivered on April 11.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On May 12, 2011, the Commission received the written response ("challenge") from the Treasurer, contesting the RTB finding. The Treasurer states that they used their best efforts to file the report and filed a Year End Report which was accepted by the Commission; however, due to a typographical error, the report was submitted as a 2011 Year End covering January 1, 2011 through December 31, 2011. She states that they intended to file a 2010 Year End covering November 23, 2010 through December 31, 2010. They discovered the typographical error after investigating the matter following the receipt of the RTB letter, and filed a new 2010 Year End Report which reflects the same activity contained in the unintended 2011 Year End Report, with the exception of the corrected coverage dates.

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Included with the challenge are a copy of the February 28, 2011 FEC Financial Disclosure Filing Acknowledgement email for Filing ID: FEC-715934 covering the period from January 1, 2011 through December 31, 2011; a copy of the May 6, 2011 FEC Financial Disclosure Filing Acknowledgement email for Filing ID: FEC-727497 covering the period from November 23, 2010 through December 31, 2010; and a copy of the RTB letter.

### Analysis

The respondents were notified of the report's January 31, 2011 due date before the filing deadline. On December 27, 2010, the Commission sent the Report Notice for the 2010 Year End Report to "CONTACT@DINOFORCONGRESS.COM," the email address listed on their Statement of Organization. Although the respondents state they initially inadvertently filed a 2011 Year End Report in lieu of a 2010 Year End Report, Commission records indicate that the 2011 Year End Report was filed on February 28, 2011; therefore the report they contend they believed to be the 2010 Year End Report was filed 28 days late.

The respondents further assert that they were not made aware that the Commission had not received their 2010 Year End Report until they received the RTB letter on April 11; however, on February 1, 2011, the day after the report was due, the Electronic Filing Office ("EFO") sent an email notification to "DINOLAVERGHEtta@HOTMAIL.COM," an email address provided by the respondents, stating that they failed to file the report. They were notified again when RAD sent the non-filer letter on February 16. They did not file the 2010 Year End Report for the period covering November 23, 2010 through December 31, 2010 until May 6, 2011.

Although the respondents state that they used their best efforts to timely file the report, the regulations are clear that a best efforts defense will only succeed if the respondents are prevented from timely filing due to reasonably unforeseen circumstances beyond their control. Because the inputting of the report's coverage dates was well within the respondents' control, their best efforts defense does not succeed.

Under the administrative fine regulations, one of the criteria used to calculate the civil money penalty is the level of activity. 11 C.F.R. § 111.43(d). At the time of the RTB finding the Commission had not received the respondents' 2010 Year End Report; therefore, an estimated level of activity (\$34,201) was used to calculate the RTB civil money penalty. 11 C.F.R. § 111.43(d)(2)(i). On May 6, 2011, the respondents filed the 2010 Year End Report disclosing no receipts and no disbursements, resulting in a level of activity of \$0 for the reporting period. Since the level of activity is \$0 and the schedule of civil money penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty should be assessed against the respondents.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the

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Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess no civil money penalty.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2464 involving The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2464 that The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$990); and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

**Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 – Supplemental Request sent to and Response received from the Information Technology Division

Attachment 3 – Declaration from RAD, Telecoms Provided with the Declaration, and Memorandum to File

Attachment 4 – Declaration from OAR

FEC OFFICE OF  
ADMIN REVIEW

2011 MAY 12 P 12:03

May 9, 2011

FEC Office of Administrative Review  
999 E Street, NW  
Washington, D.C. 20463

Committee ID#: C00475772

AF# 2464

Dear Sir or Madam:

I am writing to contest the RTB finding in the above-referenced matter. In a letter dated April 4, 2011, Cynthia L. Bauerly indicated that the FEC had found that the Committee to Elect Dino LaVerghetta (the "Committee") had failed to timely file its 2010 year end report. However, as described below, the Committee did use its best efforts to file that report. In fact, a year end report was filed and accepted by the FEC; however, due to a typographical error that was not discovered until the receipt of Ms. Bauerly's letter, the dates set forth in that filing were incorrect. This typographical error caused the FEC to conclude that a year end report had not been filed.

The Committee did file its year end report with the FEC. The year end report was assigned a Filing ID of: FEC:715934. The confirmation email received from the FEC upon uploading this filing is attached as Exhibit A. The Committee had intended this report to cover the period from 11/23/2010 through 12/31/2010. Indeed, the transactions set forth in the filed report were an accurate reflection of the transactions that occurred during that time period. However, due to a typographical error, the report was submitted as a year end report for 2011, instead of 2010, covering the period from 01/01/2011 through 12/31/2011. Clearly, the Committee had intended to submit the report as its 2010 report and the dating error was wholly unintentional.

Until the receipt of Ms. Bauerly's letter, the Committee believed, in good faith, that it had properly filed its 2010 year end report. Upon the receipt of Ms. Bauerly's letter informing the Committee of the FEC's conclusion that a 2010 year end report had not been filed, we conducted an investigation and discovered the typographical error. After resolving some technical difficulties in uploading a new report reflecting the proper dates, a new 2010 year end report was filed and uploaded to the FEC. The year end report was assigned a Filing ID of: FEC-727497. The confirmation email received from the FEC upon uploading this filing is attached as Exhibit B. This report reflects the exact same information contained in the previously filed report, except that the dates covered by the report were corrected.

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In sum, the Committee used its best efforts to file its 2010 year end report and did in fact file a report containing the correct transactional information for the relevant period. It was only because of a typographical error that the FEC concluded that a report had not been filed for 2010. As soon as the error was discovered, it was corrected. Under such circumstances, the imposition of a civil money penalty would not be proper.

Thank you very much for your time and consideration.

Respectfully yours,

  
Rose LaVerghetta

Enclosures

# **EXHIBIT A**

11092661297

11092661298

> To: dinolaverghetta@hotmail.com  
> Subject: FEC Electronic Filing Results  
> Date: Mon, 28 Feb 2011 01:40:08 -0500  
> From: http\_db@sdrdc.com  
>  
>  
> DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement  
>  
> This is to acknowledge the receipt and acceptance of your electronic  
> filing via the DISCLOSE protocol.  
>  
> Your filing was received and accepted by our system at 02/28/2011 - 01:52:26,  
> and was assigned the Filing ID of: FEC-715934  
>  
> Please make a note of this, as it will be necessary to refer to this  
> information in the future.  
>  
> Thank you for using DISCLOSE.  
>  
> Do not reply to this notice. It is sent from an unattended account  
> that cannot receive email.  
>  
> For your reference, the output of the validation check was as follows:  
>  
> FEC File Validator Version 6.4.1.2  
>  
> Developed for the Federal Election Commission  
> by NIC Technologies, 1996-2009  
> Portions Copyright (C) Micro Focus, 1984-1997  
>  
>  
> === Identification Section  
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>  
> Committee ID: C00475772  
> Committee Name: THE COMMITTEE TO ELECT DINO LAVERGHETTA  
> Filing Type: F3N  
> From/Through: 20110101 - 20111231  
>  
> Software/Ver#: FECfile / Ver# 6.4.2.1(f26)  
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11092661299

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> 6C 0.00 54,245.27

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> 7B 0.00 0.00

> 7C 0.00 72,369.48

> 8 2,162.79

> 9 0.00

> 10 20,887.00

> 11AI 0.00

> 11AII 0.00

> 11AIII 0.00 57,760.84

> 11B 0.00 0.00

> 11C 0.00 500.00

> 11D 0.00 13,295.43

> 11E 0.00 71,556.27

> 12 0.00 0.00

> 13A 0.00 30,887.00

> 13B 0.00 0.00

> 13C 0.00 30,887.00

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> 15 0.00 0.00

> 16 0.00 102,443.27

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> 18 0.00 0.00

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> 19B 0.00 0.00

> 19C 0.00 10,000.00

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> 20B 0.00 0.00

> 20C 0.00 0.00

> 20D 0.00 17,311.00

> 21 0.00 000.00

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> 23 2,162.79

> 24 0.00

> 25 2,162.79

> 26 0.00

> 27 2,162.79

> MD5 checksum:

> d434472987d63f7df07a522e7cdf0133

## **EXHIBIT B**

11092661300

11092661301

To: dinolaverghetta@hotmail.com  
> Subject: FEC Electronic Filing Results  
> Date: Fri, 6 May 2011 01:47:17 -0400  
> From: http\_db@sdrdc.com  
>  
>  
> DISCLOSE -- FEC Financial Disclosure Filing Acknowledgement  
>  
> This is to acknowledge the receipt and acceptance of your electronic  
> filing via the DISCLOSE protocol.  
>  
> Your filing was received and accepted by our system at 05/06/2011 - 01:47:13,  
> and was assigned the Filing ID of: FEC-727497  
>  
> Please make a note of this, as it will be necessary to refer to this  
> information in the future.  
>  
> Thank you for using DISCLOSE.  
>  
> Do not reply to this notice. It is sent from an unattended account  
> that cannot receive email.  
>  
> For your reference, the output of the validation check was as follows:  
>  
> FEC File Validator Version 7.0.1.1  
>  
> Developed for the Federal Election Commission  
> by NIC Technologies, LLC. Copyright 2011 All rights reserved  
>  
>  
> === Identification Section  
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>  
> Committee ID: C00475772  
> Committee Name: THE COMMITTEE TO ELECT DINO LAVERGHETTA  
> Filing Type: F3N  
> From/Through: 20101123 - 20101231  
>  
> Software/Ver#: FECfile / Ver# 7.0.1.0(f26)  
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11092661302

> === Results Section

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> 6B 0.00 17,311.00

> 6C 0.00 54,245.27

> 7A 0.00 72,369.48

> 7B 0.00 0.00

> 7C 0.00 72,369.48

> 8 2,162.79

> 9 0.00

> 10 20,887.00

> 11Ai 0.00

> 11Aii 0.00

> 11Aiii 0.00 57,760.84

> 11B 0.00 0.00

> 11C 0.00 500.00

> 11D 0.00 13,295.43

> 11E 0.00 71,556.27

> 12 0.00 0.00

> 13A 0.00 30,887.00

> 13B 0.00 0.00

> 13C 0.00 30,887.00

> 14 0.00 0.00

> 15 0.00 0.00

> 16 0.00 102,443.27

> 17 0.00 72,369.48

> 18 0.00 0.00

> 19A 0.00 10,000.00

> 19B 0.00 0.00

> 19C 0.00 10,000.00

> 20A 0.00 17,311.00

> 20B 0.00 0.00

> 20C 0.00 0.00

> 20D 0.00 17,311.00

> 21 0.00 600.00

> 22 0.00 100,280.48

> 23 2,102.70

> 24 0.00

11092661303

> 25 2,162.79  
> 26 0.00  
> 27 2,162.79  
> MD5 checksum:  
> 97a78363eede835332291bc3a03dc944



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 4, 2011

Rose Laverghetta, in official capacity as Treasurer  
The Committee to Elect Dino Laverghetta  
P.O. Box 20504, 884 Second Avenue  
New York, NY 10017

C00475772  
AF#: 2464

Dear Ms. Laverghetta:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, was due no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that The Committee to Elect Dino Laverghetta and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$34,201  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

11092661304

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(n). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that The Committee to Elect Dino Laverghetta and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

11092661306



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 22, 2011

**MEMORANDUM**

TO: JEFF CHUMLEY  
MANAGER, SYSTEMS ANALYSIS AND DESIGN BRANCH  
INFORMATION TECHNOLOGY DIVISION

FROM: DAYNA C. BROWN *DCB*  
REVIEWING OFFICER  
OFFICE OF ADMINISTRATIVE REVIEW

SUBJECT: AF# 2464 – THE COMMITTEE TO ELECT DINO LAVERGHETTA  
AND ROSE LAVERGHETTA, IN HER OFFICIAL CAPACITY AS  
TREASURER (C00475772)

On May 12, 2011, the Commission received the written response and supporting documentation ("challenge") from the respondents, for the 2010 Year End Report. A copy of the challenge is attached for your review.

Please provide any information regarding any records of contacts between the Electronic Filing Office staff and the respondents pertaining to the filing of the report. If you have no records relating to this request, please advise OAR accordingly.

Any information submitted by your office will be sent to the respondents, circulated to the Commission and placed on the public record. Please contact me at 694-1660 if you have any questions. Thank you.

Attachment

11092661307



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 24, 2011

**MEMORANDUM**

TO: DAYNA C. BROWN  
REVIEWING OFFICER  
OFFICE OF ADMINISTRATIVE REVIEW

FROM: JEFF CHUMLEY *JCH*  
MANAGER, SYSTEMS ANALYSIS AND DESIGN BRANCH  
INFORMATION TECHNOLOGY DIVISION

SUBJECT: AF# 2464 – THE COMMITTEE TO ELECT DINO LAVERGHETTA  
AND ROSE LAVERGHETTA, IN HER OFFICIAL CAPACITY AS  
TREASURER (C00475772)

In response to your request dated June 22, 2011, the Electronic Filing Office (EFO) provides the following information with regard to the respondents' filing of the 2010 Year End Report:

February 1, 2011: The EFO notified the committee by email that they had failed to file their 2010 Year End Report. The FEC server mail log, which stores the email address provided by the filer, shows that the email was sent to [dinolaverghetta@hotmail.com](mailto:dinolaverghetta@hotmail.com).

February 28, 2011: The committee electronically filed the 2011 Year End Report, Filing ID FEC-715934.

May 6, 2011: Mr. Dino Laverghetta called the EFO and left a voice message that he could not upload his 2011 April Quarterly Report because of conflicting coverage dates with the 2011 Year End Report. Ms. Eliza Green, of technical support, called him back and left a voice message to call the EFO. The committee electronically filed the 2010 Year End Report, Filing ID FEC-727497.

May 10, 2011: Mr. Laverghetta called the EFO and explained to Ms. Green that he had mistakenly filed a 2011 Year End Report and had amended it. Ms. Green told him in order to fix the situation he needed to change the report type and dates of the 2011 Year End Report and get a Bank Does Code from his reports analyst. Ms. Green transferred Mr. Laverghetta to Michelle Grant.


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May 16, 2011: Mr. Laverghetta left a voice message with the EFO that he needed help with a Back Door Code. Ms. Green returned the call, but he had already resolved the issue.

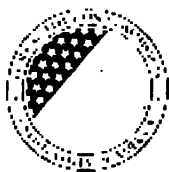
11092661309

**DECLARATION OF JODI WINSHIP**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to The Committee to Elect Dino Laverghetta:
  - A) Prior Notice, dated December 27, 2010, referencing the 2010 Year End Report  
(sent via electronic mail to: [CONTACT@DINOFORCONGRESS.COM](mailto:CONTACT@DINOFORCONGRESS.COM);
  - B) Non-Filer Letter, dated February 16, 2011, referencing the 2010 Year End Report;
  - C) Reason-to-Believe Letter, dated April 4, 2011, referencing the 2010 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that The Committee to Elect Dino Laverghetta filed the 2010 Year End Report with the Commission on May 6, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 12<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

11092661310



# YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2010

## CURRENT REPORT DUE

### I. 2010 GENERAL ELECTION CANDIDATES

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/23/10.- 12/31/10	01/31/11	01/31/11

### II. UNSUCCESSFUL 2010 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2010 ELECTIONS

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/10 - 12/31/10	01/31/11	01/31/11

### NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2010 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2011 Reporting Schedule](#)

<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

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## REPORTING SCHEDULE FOR 2011

REPORT	CLOSE OF BOOKS <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/11	04/15/11	04/15/11
July Quarterly	06/30/11	07/15/11	07/15/11
October Quarterly	09/30/11	10/15/11	10/15/11
Year-End	12/31/11	01/31/12	01/31/12

[Click here for Supplemental Filing Information](#)

<sup>1</sup> A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2011. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrator PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

## 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20542

February 16, 2011

RQ-7

LAVERGHETTA, ROSE, TREASURER  
THE COMMITTEE TO ELECT DINO LAVERGHETTA  
PO BOX 20504 1184 SECOND AVENUE  
NEW YORK, NY 10017

IDENTIFICATION NUMBER: C00475772

REFERENCE: YEAR-END REPORT 11/23/2010 - 12/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20462 FOR ELECTION CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTIONS FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. ...DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT IAN WAUGHAN AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1110.

SINCERELY,

*Debbie Chason*

DEBBIE CHASON  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

5121364583911



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 4, 2011

Rose Laverghetta, in official capacity as Treasurer  
The Committee to Elect Dino Laverghetta  
P.O. Box 20504, 884 Second Avenue  
New York, NY 10017

C00475772  
AF#: 2464

Dear Ms. Laverghetta:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, was due no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that The Committee to Elect Dino Laverghetta and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$990. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$990 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$34,201  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that The Committee to Elect Dino Laverghetta and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

11092661318

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$990 for the 2010 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: The Committee to Elect Dino Laverghetta

FEC ID#: C00475772

AF#: 2464

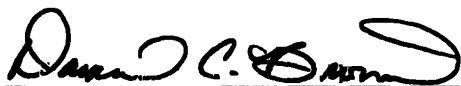
PAYMENT DUE DATE: May 11, 2011

PAYMENT AMOUNT DUE: \$990

11092661319

**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 Year End Report is due January 31, 2011. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - (a) Page 1 of the amended Statement of Organization electronically filed by The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer. According to the Commission's records, the Statement was received on September 1, 2010, and lists "contact@dinoforcongress.com" as the Committee's email address;
  - (b) Page 1 of the Summary Page for the 2011 Year End Report electronically filed The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from January 1, 2011 through December 31, 2011 and was received on February 28, 2011;
  - (c) Page 1 of the Summary Page and pages 3 through 6 of the Detailed Summary Page for the 2010 Year End Report electronically filed by The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from November 23, 2010 through December 31, 2010 and was received on May 6, 2011. Line 16, column A lists \$0 in total receipts for the period. Line 22, column A lists \$0 in total disbursements for the period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 28<sup>th</sup> of June, 2011.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092661320

**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

(See instructions)

Office use only

1. NAME OF  
COMMITTEE (in full)(Check if name  
is changed)Example: If typing, type  
over the lines

12FE4M5

THE COMMITTEE TO ELECT DINO LAVERGHETTA

ADDRESS (number and street)

(Check if address  
is changed)

PO BOX 20504

884 SECOND AVENUE

NEW YORK

NY

10017

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

(Check if address  
is changed)

contact@dinoformcongress.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address  
is changed)

www.dinoformcongress.com

2. DATE M M / D D / Y Y Y Y  
01 / 22 / 2010

3. FEC IDENTIFICATION NUMBER

C C00475772

4. IS THIS STATEMENT

NEW (N)

OR

X

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete

Type or Print Name of Treasurer

Rose LaVerghetta

Signature of Treasurer

Electronically Filed by Rose LaVerghetta

Date

M M / D D / Y Y Y Y  
09 / 01 / 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office  
Use  
OnlyFor further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100**FEC FORM 1**  
(Revised 02/2009)

11092661321

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

THE COMMITTEE TO ELECT DINO LAVERGHETTA

ADDRESS (number and street)

PO BOX 20504

Check if different  
than previously  
reported. (ACC)

884 SECOND AVENUE

NEW YORK

NY

10017

2. FEC IDENTIFICATION NUMBER

C00475772

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

NY 14

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

☒ January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 01 01 2011 through 12 31 2011

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Rose LaVerghetta

Signature of Treasurer

Electronically Filed by Rose LaVerghetta

Date

02

27

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

FESAN018

11092661322

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

THE COMMITTEE TO ELECT DINO LAVERGHETTA

ADDRESS (number and street)

PO BOX 20504

Check if different  
than previously  
reported. (ACC)

884 SECOND AVENUE

NEW YORK

NY

10017

2. FEC IDENTIFICATION NUMBER

C00475772

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

NY 14

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

☒ January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the  
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period 11 23 2010 through 12 31 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Rose LaVerghetta

Signature of Treasurer

Electronically Filed by Rose LaVerghetta

Date 05 06 2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

# POST-ELECTION DETAILED SUMMARY PAGE

FEC Form 3 (Revised 07/05)

Report of Receipts and Disbursements

3 / 10

. If the candidate participated in the general election, use this form for the 30-day Post-General report.

. If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

THE COMMITTEE TO ELECT DINO LAVERGHETTA

Report Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y  
11 23 2010 12 31 2010

## I. RECEIPTS

COLUMN A Total this Period	COLUMN B Election Cycle Total as of	COLUMN C Total for
	M M D D Y Y Y Y 11 02 2010 (date of general election)	M M D D Y Y Y Y 11 03 2010 (date after general election)
		through
		M M D D Y Y Y Y 12 31 2010 (last day of reporting period)
11. CONTRIBUTIONS (other than loans) FROM: (a) Individuals/Persons Other than Political Committees (i) Itemized (Use Schedule A)		
0.00	51304.84	0.00
(ii) Unitemized		
0.00	6456.00	0.00
(iii) Total of contributions from individuals		
0.00	57760.84	0.00
(b) Political Party Committees		
0.00	0.00	0.00
(c) Other Political Committees		
0.00	500.00	0.00

## POST-ELECTION DETAILED

## SUMMARY PAGE

## Report of Receipts and Disbursements

**COLUMN A**  
Total this Period

**COLUMN B**  
Election Cycle Total as of \*  
(date of general Election)  
(\* See page 5 for date)

**COLUMN C**  
Total for \* (date after general election)  
Through \* (last day of reporting period)  
(\* See page 5 for dates)

(d) The Candidate

0.00

13295.43

0.00

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))

0.00

71556.27

0.00

## 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

0.00

0.00

0.00

## 13. LOANS:

(a) Made or Guaranteed by the Candidate

0.00

30887.00

0.00

(b). All Other Loans

0.00

0.00

0.00

(c). TOTAL LOANS (add Lines 13(a) and (b))

0.00

30887.00

0.00

## 14. OFFSETS TO OPERATING EXPENDITURES (refunds, rebates, etc)

0.00

0.00

0.00

## 15. OTHER RECEIPTS (Dividends, Interest, etc)

0.00

0.00

0.00

## 16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)

0.00

102443.27

0.00

Image# 11931300997

**POST ELECTION DETAILED  
SUMMARY PAGE**

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

5 / 10

Write or Type Committee Name

THE COMMITTEE TO ELECT DINO LAVERGHETTA

Report the covering period

From:

MM  
11DD  
23YYYY  
2010

To:

MM  
12DD  
31YYYY  
2010**II. DISBURSEMENTS**

<b>COLUMN A</b> Total this period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for date)	<b>COLUMN C</b> Total for * Through * (date after general election) (last day of reporting period) (* See page 5 for date)
<b>17. OPERATING EXPENDITURES</b>		
0.00	72369.48	0.00
<b>18. TRANSFER TO OTHER AUTHORIZED COMMITTEES</b>		
0.00	0.00	0.00
<b>19. LOAN PAYMENTS</b>		
(a) Of Loans Made or Guaranteed by the Candidate		
0.00	10000.00	0.00
(b) Of All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b) )		
0.00	10000.00	0.00
<b>20. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees		
0.00	17311.00	0.00
(b) Political Party Committees		
0.00	0.00	0.00

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Image# 11931300998

**POST ELECTION DETAILED  
SUMMARY PAGE**

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

6 / 10

<b>COLUMN A</b> Total this period	<b>COLUMN B</b> Election Cycle Total as of * (date of general election) (* See page 5 for date)	<b>COLUMN C</b> Total for * Through * (date after general election) (last day of reporting period) (* See page 5 for date)
(c) Other political committees (such as PACs)		
0.00	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (See Lines 20(a), (b) and (c) )		
0.00	17311.00	0.00
21. OTHER DISBURSEMENTS		
0.00	600.00	0.00
22. TOTAL DISBURSEMENTS (add lines 17, 18, 19(c), 20(d), and 21)		
0.00	100280.48	0.00

**III. NET CONTRIBUTIONS (OTHER THAN LOANS)**

(Note: Substitute in lieu of Line #8 of Summary Page for this report only; subtract line 20(d) from Line 11(e))

0.00	54245.27	0.00
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**IV. NET OPERATING EXPENDITURES**

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract line 14 from Line 17)

0.00	72369.48	0.00
------	----------	------

**V. CASH SUMMARY**

23. CASH ON HAND AT BEGINING OF REPORTING PERIOD .....	2162.79
24. TOTAL RECEIPTS AT THIS PERIOD (from Line 16).....	0.00
25. SUBTOTAL (add Line 23 and Line 24) .....	2162.79
26. TOTAL DISBURSEMENTS AT THIS PERIOD (from Line 22).....	0.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 26 from Line 25).....	2162.79

FE1AN044

11092661327



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

June 29, 2011

Rose LaVerghetta, in her official capacity as Treasurer  
The Committee to Elect Dino LaVerghetta  
P.O. Box 20504  
884 Second Avenue  
New York, NY 10017

C00475772  
AF# 2464

Dear Ms. LaVerghetta:

On April 1, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Johnson for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

11092661328



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 JUL 19 A 8:46

July 18, 2011

**SENSITIVE**

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2464 – The Committee to Elect Dine LaVerghetta and Rosu LuVerghetta, in her official capacity as Treasurer (C00475772)

On April 1, 2011, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. As a result, the Commission also made a preliminary determination that the civil money penalty was \$990 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 6, 2011, the respondents filed the 2010 Year End Report, and disclosed \$0 in total receipts and \$0 in total disbursements. Since the report indicates that the Committee had no activity during reporting period, and the schedule of penalties at 11 C.F.R. § 111.43(a) only provides for civil money penalties if the level of activity is \$1.00 or more, no civil money penalty would have been assessed had the report been filed prior to the RTB finding.

On May 12, 2011, the Commission received the respondents’ written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation dated June 28, 2011 was forwarded to the Commission, a copy was sent to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and based on the actual level of activity for the Year End reporting period (\$0), assess no civil money penalty because they submitted no evidence that a factual error was made in the RTB

11092661329

finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2464 involving The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2464 that The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$990); and
- (3) Send the appropriate letter.

11092661330

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation – ) AF 2464  
The Committee to Elect Dino )  
LaVerghetta and Rose LaVerghetta, in )  
her official capacity as Treasurer )  
(C00475772) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 28, 2011, the Commission decided by a vote of 4-0 to take the following actions in AF 2464:

1. Adopt the Reviewing Officer recommendation for AF# 2464 involving The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2464 that The Committee to Elect Dino LaVerghetta and Rose LaVerghetta, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$0), assess no civil money penalty (reduced from the RTB civil money penalty of \$990).
3. Send the appropriate letter.

Commissioners Bauerly, McGahn II, Petersen, and Weintraub voted affirmatively for the decision. Commissioners Hunter and Walther did not vote.

Attest:

July 29, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

11092661331



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 3, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Rose LaVerghetta, in official capacity as Treasurer  
The Committee to Elect Dino LaVerghetta  
P.O. Box 20504  
884 Second Avenue  
New York, NY 10017

C00475772  
AF# 2464

Dear Ms. LaVerghetta:

On April 1, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that The Committee to Elect Dino LaVerghetta and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. By letter dated April 4, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$990 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 12, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that The Committee to Elect Dino LaVerghetta and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the 2010 Year End Report filed May 6, 2011 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 29, 2011.

On July 28, 2011, the Commission adopted the Reviewing Officer's recommendation, made a final determination that The Committee to Elect Dino LaVerghetta and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the level of activity disclosed on the 2010 Year End Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$990). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

11092661332

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

Attachment

11092661333



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2464

DATE SCANNED

8/8/11

SCANNER NO.

2

SCAN OPERATOR

SES

11092661334